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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203

January 7, 1985

Paul B. Galvani
Ropes & Gray
225 Franklin Street
Boston, MA 02110

Mary K. Ryan
Nutter, McClennan & Fish
600 Atlantic Avenue
Boston, MA 02210

Dear Mr. Galvani and Ms. Ryan:

This letter is in further response to your letters of November 21 and December 6, 1984. In my letter of December 5, I noted that our response was being delayed by Gerry Sotolongo's absence due to illness. On December 20, 1994, I notified you of a number of new copies of documents which we had added to the documents available in EPA's Region I library. The copies had been sent to Region I by NUS, and included a copy of NUS's file on cost estimates and supporting data and calculations. Some additions to that file turned up recently at NUS and have been added to the file in EPA's Library. We wish to add the following comments addressed to your specific questions.

In response to the numbered paragraphs in Paul Galvani's letter of November 21:

1-3. The data and discussions in the Draft RI/FS and the documents which have already been released provide the record of EPA's consideration of these issues to date. EPA is continuing to consider the questions in paragraphs 1 and 2. Further consideration of foreign dredging technology beyond that described in the draft RI/FS has not been undertaken, but no decision has been made in favor of any particular dredging technology, so comments on foreign technology will be considered. Any further decisions by EPA and responses to comments on these issues will be included in EPA's Record of Decision.

4. All data relevant to this question which were relied on by NUS in the draft RI/FS have been released. Discharge standards for any disposal site would be based on existing Clean Water Act

standards. Any further considerations will be set forth in EPA's Records of Decision.

5-7. All data relevant to these questions which were relied on by NUS in the draft RI/FS have been released, including EPA's environmental sampling data, particularly the ambient air studies performed for EPA by GCA Corporation. There is a study being conducted under the auspices of the Centers for Disease Control, but EPA Region I does not have any results from that study. The only other studies of which EPA is aware are the remaining portions of the RIFS. The extent to which EPA relies on these risks in selecting any remedy will be set forth in EPA's Records of Decision. In addition to data and documents already released, EPA would rely on general scientific literature and knowledge concerning the behavior and effects of PCBs.

The data on costs, hydraulic & hydrologic data, and design bases as available from NUS have been placed in Region I's library, including the file noted in my December 20 letter. As for RCRA and TSCA requirements, as I noted in my letter of December 5, the existing regulations provide the applicable requirements, except under exceptional circumstances. The portions of the regulations applicable to a chosen remedy will be set forth in EPA's Records of Decision.

Both letters request further information on computer work performed by Metcalf and Eddy. However, as your letters do not specify any particular information which you need to supplement the data tape which has already been released, we do not know what, if anything, remains to be produced. EPA has asked M&E to determine what additional information should be supplied, but without more specificity in your letters, we have not been able to direct them. It should be emphasized that M&E's function was to create a comprehensive data file, not to provide analyses of the data. All of the data, including the original documents, have been released.

In response to the numbered paragraphs in Mary Ryan's letter of December 6:

1. All information on design bases has been released. (To some extent NUS's report was based on the general engineering judgment and knowledge of its authors, rather than specific source documents).
2. A report used by NUS in the preliminary screening has been copied and mailed to Region I, and is now available in EPA Region I's library. The title is "PCB Immobilization, Detoxification, Degradation and Destruction - Technological Advances since 1980"; by Baker/TSA Division of Michael Baker, Jr., Inc.; July, 1983.

3. The western shore has not yet been rejected as a disposal site. It is still being considered, although it is not favored for reasons which were discussed at the November 15 meeting. The basis for any final choice will be set forward in EPA's final decision.

4-6. All documents and data relevant to these questions on which NUS relied in the draft RI/FS have already been released.

7. All EPA's information relating to known effluent discharges in the upper estuary can be obtained through EPA Region I's NPDES permit library. See my letter of October 19 to Paul Galvani. The progress of the undisclosed source study is to be covered by NUS's monthly reports which will be regularly transmitted to the defendants.

8. Boring logs have been made available in Region I's library. NUS's information on engineering tests on soil has been copied, collected and is now available in Region I's library.

9. Proposals have been located in NUS's files, copied and sent to Region I. It is now available in Region I's library.

10. The data referred to has been a part of the file in the Region I Library since it was established.

EPA still wishes to receive comments by January 15. As noted some documents are still being reproduced and sent to Region I. The defendants may, if they choose, submit late comments on documents made available after December 20, and EPA will review such comments. However, EPA cannot commit to providing a written response to such comments. EPA does not consider any such documents essential for commenting on documents already released.

Yours sincerely,

Charles C. Bering

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Assistant Regional Counsel

cc: William Cheeseman
Jeffrey Bates
David McLaughlin
John Quarles
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